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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,077	10/30/2000	Kenneth Wills	08250.0045-02	3296

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EXAMINER

HAVAN, THU THAO

ART UNIT	PAPER NUMBER
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2672

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DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/698,077

Applicant(s)

WILLS, KENNETH

Examiner

Thu-Thao Havan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims **17-40** are pending in the present application.
2. Applicant's arguments filed July 14, 2003 have been fully considered but they are not persuasive. As addressed below, Bellesfield teaches the claimed limitations.

A.) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., receiving a request including range data) are not recited in the rejected claim 17. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

B.) Bellesfield teaches receiving a request including range data (col. 1, lines 7-14; col. 2, lines 13-31; fig. 11). In figure 11 of Bellsfield, he teaches displaying of the calculated route that permits the user with several options. First, the user may select another bit-mapped image from the map database, and the routing component will generate a new video line over the selected bit-mapped image corresponding to the calculated route. Second, the user may request the textual directions, and the routing component will display on the display monitor the previously generated list of textual directions. Third, the user may request a list of places of interest geographically located near the calculated route. In response to this request, the place selection component determines which geographic centers are located within a predetermined distance of the calculated route, searches the places of interest database for the places of interest

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associated with those geographic centers, and displays a list of those places of interest.

Finally, the user may quit, which terminates operation of the automated travel planning.

C.) Bellesfield teaches a type of location of interest (col. 8, lines 13-65; figs. 5-6).

In other words, Bellesfield teaches the place selection component determines which geographic centers are located within a predetermined distance of the shape point. For each geographic center located within the predetermined distance of the shape point, the geographic center is compared to the geographic centers selected with previous shape points so that the same geographic center is not chosen twice. If a geographic center is a duplicate of a previously selected geographic center, then it is not chosen a second time. The place selection component searches the places of interest database for places of interest associated with the selected geographic centers. The place selection component generates on the display monitor a list of those places of interest associated with the selected geographic centers.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims **17-40** are rejected under 35 U.S.C. 102(e) as being unpatentable by Bellesfield et al. (US patent no. 6,282,489).

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Re claims **17, 23, 32, and 35**, Bellesfield discloses a method for searching and retrieving information comprising receiving/sending a request identifying a first site, and range data defining a distance from the first site (col. 1, lines 7-14; col. 2, lines 13-31; fig.2); selecting/receiving trip planning information selected based on the identified site and the range data (col. 11, line 35 to col. 12, line 20; figs. 3-4, 6, and 11), and outputting the selected trip planning information (col. 10, line 37 to col. 11, line 34; figs. 7 and 9); In other words, Bellesfield teaches an automated travel planning including a map selection component, a routing component, and a place selection component. For example, if the user requests a list of places near the displayed route, the place selection component employs the places of interest database to generate and display a list of places of interest which are within a predetermined distance of the generated route.

Re claims **18 and 24**, Bellesfield discloses the trip planning information includes information identifying a location of interest within a proximity of the first site derived from the range data (col. 8, lines 13-65; figs. 5-6). In other words, Bellesfield teaches the routing component will generate routes between the selected points in the order they are selected.

Re claims **20, 26-27, 33-34, and 36-37**, Bellesfield discloses the request further includes a second site, and wherein the trip planning information includes information identifying a location of interest associated with the second site (col. 7, line 40 to col. 8, line 26; figs. 5-6). In other words, Bellesfield teaches if a user successively choose a departure point, a destination point A, and a destination point B (i.e. the second site),

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then the routing component will generate routes between the departure point and the destination point A, and between the destination point A and the destination point B.

Re claims **29 and 38**, Bellesfield teaches method for searching and retrieving information, comprising receiving/sending a request identifying at least a first site, a second site and a type of location of interest (col. 6, line 40 to col. 7, line 12; fig. 7) and receiving information associated with the first and second sites and selected based on the type of location of interest and selected using a geometric shape generated based on the first and second sites (col. 8, line 37 to col. 9, line 25; fig. 6). In other words, Bellesfield discloses in figures 6 and 7 the places of interest between the first and second site in geometric shape.

Re claims **19, 21-22, 25, 28, 30, and 39**, Bellesfield discloses the trip planning information includes information identifying services available within a proximity of the first site derived from the range data (fig. 7). In figure 7 of Bellesfield, he discloses the geographic center in latitude and longitude for the places of interest such as a hotel or a restaurant within the proximity of one site to the next site.

Re claims **31 and 40**, Bellesfield discloses the geometric shape is generated based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value (figs. 6-7). In figure 6, Bellesfield the places of interest in distance from the departure to the destination point.

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Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquiries

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan
September 15, 2003



MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600